

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

ROBERT STONE,)	
)	
Petitioner,)	
v.)	No. 1:13-cv-059-TWP-TAB
)	
MR. HANKS, Superintendent,)	
)	
Respondent.)	

Entry Directing Further Proceedings

I.

Habeas petitioner Robert Stone seeks a writ of habeas corpus with respect to his conviction in an Indiana state court of two counts of murder and one count of robbery as a class A felony. Stone's contention in support of his petition for a writ of habeas corpus is that there was insufficient evidence to support the jury's verdict.

A **copy** of the petition for a writ of habeas corpus **shall be included** with the petitioner's copy of this Entry.

II.

Review of the habeas petition here is governed by the provisions of the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). *Lambert v. McBride*, 365 F.3d 557, 561 (7th Cir. 2004).

Under [AEDPA] . . . , habeas relief may be granted only when a state court decision is ~~A~~contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States~~@~~ or ~~A~~was based on an unreasonable determination of the facts in the light of the evidence presented.~~@~~ 28 U.S.C. ' 2254(d); *Williams v. Taylor*, 529 U.S. 362, 404-05, 120 S. Ct. 1495, 146 L.Ed.2d 389 (2000); *Morgan v. Krenke*, 232 F.3d 562, 565-66 (7th Cir. 2000).

A decision is Acontrary to@ federal law when the state court applied a rule that Acontradicts the governing law@ set forth by the Supreme Court or if the state court reached a different outcome based on facts Amaterially indistinguishable@ from those previously before the Supreme Court. *Williams*, 529 U.S. at 405-06; *see also Calloway v. Montgomery*, 512 F.3d 940, 943 (7th Cir. 2008). A state court's application of clearly established federal law is unreasonable if it identifies the appropriate standard but applies it to the facts in a manner with which a reasonable court would disagree. *Williams*, 529 U.S. at 413; *Williams v. Thurmer*, 561 F.3d 740, 742-43 (7th Cir. 2009).

Etherly v. Davis, 619 F.3d 654, 661 (7th Cir. 2010).

Stone's habeas petition is clear as to the claim which is presented, but fails to address the basis for awarding that relief under § 2254(d) as outlined above. He will be given a period of time in which to supplement his habeas petition.

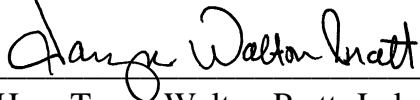
The petitioner shall therefore have **through March 19, 2013**, in which to **supplement** his petition for a writ of habeas corpus by doing the following:

! He shall identify in what sense, if any, the state court's adjudication of the claim(s) asserted in his petition for a writ of habeas corpus (i) resulted in a decision that was contrary to clearly established Federal Law, as determined by the Supreme Court of the United States or (ii) resulted in a decision which was an unreasonable application of clearly established Federal Law, as determined by the Supreme Court of the United States.

! He shall also identify in what sense, if any, the state court's adjudication of the claim(s) asserted in his petition for a writ of habeas corpus resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding.

IT IS SO ORDERED.

Date: 02/26/2013


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

**Robert Stone #194745
Pendleton Correctional Facility
Inmate Mail/Parcels
4490 West Reformatory Road
Pendleton, IN 46064-9001**